# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/671,815 | 09/27/2000 | Alex Mogilevsky | 3382-55825 | 5927 |

26119    7590    03/22/2005

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| EXAMINER |
|---|
| BASEHOAR, ADAM L |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2178 | |

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>27 September 2000</u>.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22 and 24</u> is/are rejected.

7)☒ Claim(s) <u>23</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)              4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)    5)☐ Notice of Informal Patent Application (PTO-152)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . *(05/07/01)*    6)☐ Other:   .

## DETAILED ACTION

1.      This action is responsive to communications: The Preliminary Amendment filed on

09/27/00 to the Application filed on 09/27/00.

2.      Claims 1-24 are pending in the case.  Claims 1-7, 9, 11, 13-14, 16, and 20 are

independent claims.

### *Claim Objections*

3.      Claim 20 objected to because of the following informalities:  Claim 20 ends with a semi-

colon ";"  Claim 20 should end with a period "."  Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 7-8, 9-10, 13, and 19 are rejected under 35 U.S.C. 102(b) as being

anticipated by Templeman (US-5,845,303 12/01/98).

-In regard to independent claim 1, Templeman teaches parsing in a tag contained in the

textual mark-up template document (columns 3 & 8, lines 9-31 & 23-29);

determining from the tag the textual mark-up content document (column 8, lines 28-30)

and a defined subset of the display screen area (column 8, lines 23-25)(Fig. 3A); and

displaying content from the textual mark-up content document in the defined subset of

the display screen (column 5, lines 30-56).

-In regard to independent claim 2, Templeman teaches:

receiving a request from a client system for the a presentation document (column 10, line

9-12)(Fig. 5: 140);

accessing a template document (column 10, lines 5-7: i.e. metaform) containing a tag that

defines a content document (column 8, lines 28-30) and a defined area within the presentation

document (column 8, lines 23-25)(Fig. 3A); and

sending the presentation document to the client system output device (Fig. 2a: 44) with

the defined area within the presentation document containing content from the defined content

area (column 5, lines 30-56).

-In regard to independent claim 4, Templeman teaches:

a tag defining a container area (columns 3 & 8, lines 26-30 & 23-26);

wherein an HTML engine (column 7, lines 62-67) upon recognizing the tag places a

selected content within the defined container area (column 3, lines 14-21).

-In regard to independent claim 5, Templeman teaches:

defining a textual mark-up content source (column 10, lines 8-14)(Fig. 3C); and

flowing the textual mark-up content source into the area defined by the textual mark-up

layout template defined by the tag (column 3, lines 14-32).


-In regard to independent claim 7, Templeman teaches:

parsing in a tag in the customizing document (column 8, lines 23-29);

flowing the textual markup language elements of the textual markup content document

into the area defined by the tag (column 3, lines 14-32); and

maintaining a record of where each such textual markup language element was contained

within the area defined by the tag (column 11, lines 17-22: i.e. by visual displaying the metaform

on a display device to the user).


-In regard to dependent claim 8, Templeman teaches:

flowing a textual markup element into more than one of the areas defined in by the series

of tags in the textual mark-up document (columns 9 & 10, lines 65-67 & 1-2)(Fig. 3A: 88 & 90);

and

maintaining a chain of records of textual mark-up elements that are flowed into more than

one of the areas defined by the series of tags in the textual mark-up customizing document

(column 11, lines 17-22: i.e. by visual displaying the metaform content on a display device to the

user spanning two or more tagged areas).


-In regard to independent claim 9, Templeman teaches:

parsing in a tag in the customizing document (column 8, lines 23-29);

flowing textual markup elements of the textual markup content document into the area

defined by the tag (column 3, lines 14-32);

breaking the flow of the textual markup language element of the textual markup language

content document upon an indication that the area defined by the tag was full (columns 9 & 10,

lines 65-67 & 1-2)(Fig. 3A: 88 & 90)(i.e. when the constraint on size of the tagged area was

maximized the system would locate another appropriate frame to handle the overflow

information); and

saving the position of the flow of the textual markup element (column 11, lines 17-22: i.e.

the position of the flow of the textual markup element was recorded visually during the

displaying of the metaform content on the display device to the user when the content spanned

two or more tagged areas).


-In regard to dependent claim 10, Templeman teaches:

maintaining a record of the order of the series of tags in the textual markup document

(column 11, lines 17-22: i.e. by visual displaying the metaform content on a display device to the

user spanning two or more tagged areas); and

including in the record for each tag in the ordered series, the position where each such

textual markup language elements flow stopped upon the indication the area defined by the tag

was full (columns 9 & 10, lines 65-67 & 1-2)(Fig. 3A: 88 & 90)(i.e. when the constraint on size

of the tagged area was maximized the system would locate another appropriate frame to handle

the overflow information and this information would be recorded visually when the metaform

was displayed);

-In regard to independent claim 13, Templeman teaches:

accessing locally or remotely the textual mark-up customizing document (column 3, lines

30-31: "metaforms") containing a series of tags that define a series of containers for placing a

textual markup content source (columns 3 & 5, lines 14-31 & 53-56); and

accessing locally or remotely the content source (Fig. 62) to be flowed into the series of

defined containers (column 3, lines 18-21).


-In regard to dependent claim 19, Templeman teaches determining, based on fixed

relationships or required constraints (column 8, lines 49-54) whether an explicit offset request for

placement of a positioned element (e.g. between the logo frame 80 and the edge of the display

device) requests placement at an explicit offset that exists within the container area defined by

the tag based on where the dimensions of the container exist (column 8, lines 53-58: "if the size

of the logo is frame 82 is increased...will not change) within the running total of the sum of the

distances (column 8, lines 49-50: "Links 130, 132, and 134") occupied by a series of containers

(Fig. 4: 82, 84, 86, 88, 90, and 92).


5.      Claims 3, 6, 11-12, 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by

Ferrel et al (US-5,860,073 01/12/99).

-In regard to independent claim 3, Ferrel teaches:

receiving a request from a client system (Fig. 1: 160) for the presentation document (Figs

1 & 8: 112 & "Page 1");

sending a template document (Fig. 1: 146) to the client (Fig. 1: 160);

determining from a tag in the template (Fig. 8: 454, 456) document a network source

(Fig. 8: 468) for a content document (Fig. 8: 470, 472, 474) and a defined area within the

presentation document (Fig. 8: 454, 456)(columns 3 & 20, lines 28-37 & 15-62);

obtaining the presentation document for the source (Fig. 8: 470, 472, 474); and

displaying the presentation document on the output device coupled to the client

system (Fig. 2: 182) with the presentation document containing content from the defined content

document within the defined area within the presentation document (Fig. 8: 444 & 446:

"Displayed Pages").

-In regard to independent claim 6, Ferrel teaches:

parsing in a tag defining a container area and attributes from the textual mark-up

customizing document (columns 3 & 20, lines 28-37 & 15-62);

instantiating a container object in response to parsing in the tag defining the container

area and attributes (Fig. 8: 448, 450, 452, 454, 456)(column 6, 37-50);

placing the container area and attributes into the container object (column 3, lines 29-37);

and

flowing the textual markup content document into the area defined by the container area

and attributes placed in the container object (Fig. 8: 444 & 446: "Displayed Pages").

-In regard to dependent claim 15, Ferrel teaches breaking the flow of the content

document into the area defined by the container area and attributes placed in the container object

upon an indication that the area was full (column 20, lines 31-35); and

saving the position in the textual mark-up content document where the flow stopped (i.e.

the position was saved visually in rendered page 1 (Fig. 8: 444) in location 452).

-In regard to independent claim 11, Ferrel teaches:

flowing the textual markup content document (Fig. 8: 460, 462, 464, 466) into a series of

areas (Fig. 8: 436, 440, 438, 442) defined by the tags in the customizing document (column 3,

lines 28-37); and

instantiating for each textual markup element a separate flow object (columns 3 & 6,

lines 28-37 & 36-49)  for each area defined by the tags (Fig. 8: 436, 438, 440, 442) in the

customizing document, in which that textual markup element controls some portion of the view

(i.e. based on its length)(column 20, lines 31-35);.

-In regard to dependent claim 12, Ferrel teaches distinguishing amongst multiple separate

flow objects (Fig. 8: 436, 438, 440, 442) for the textual markup element based on a distinct

context identifier assigned to each area defined by the tags in the customizing document (column

21, lines 8-26).

-In regard to independent claim 14, Ferrel teaches:

parsing in a textual behavioral tag (columns 3 & 20, lines 28-37 & 15-62) that identifies a first generation area to accept textual source content (Fig. 8: 444 "Page 1") and a first generation textual source content (Fig. 8: 470, 472) to occupy the first generation area (Fig. 8: "Page 1"); and

encountering a second-generation textual mark-up behavioral tag (columns 3 & 20, lines 28-37 & 15-62) was encountered that identifies a second generation sub-area (Fig. 8: 448, 452) within the first area (Fig. 8: 444: "Page 1") to accept source content (Fig. 8: 448, 452) and a second-generation source content to occupy the second region (Fig. 8: 470, 472, 474).

-In regard to independent claim 16, Ferrel teaches:

parsing in a tag in the template document (columns 3 & 20, lines 28-37 & 15-62), the tag defining a content source (Fig. 8: 462) and an output area (Fig.8: 438) within the output to accept the content source;

flowing the content source into the defined output area (Fig. 8: 434: "Page 1");

parsing in a tag in the template document (columns 3 & 20, lines 28-37 & 15-62), the tag defining a second content source (Fig. 8: 466) and second output area (Fig. 8: 440) within the output to accept the second content source; and

flowing the second content source into the second output area (Fig. 8: 434: "Page 1").

-In regard to dependent claim 17, Ferrel teaches if the layout flow object remains in scope upon an indication that the area defined by a tag was filled up (column 20, lines 31-35), then

each such separate layout object creates a break object that identifies the state of the layout of the

textual element it represents (column 36, lines 13: "a page break is added")(Fig. 17: 866).


-In regard to dependent claim 18, Ferrel teaches wherein all break objects (column 36,

lines 13: "a page break is added")(Fig. 17: 866) are ordered in a break record (i.e. recorded

visually on the output of the client display (column 20, lines 29-62) via multiple page objects

(Fig. 8: 444 & 446) and made accessible based on a distinct context identifier assigned to each

area defined by a tag (column 21, lines 8-27).


## Claim Rejections - 35 USC § 103


6.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.      Claims 20-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ferrel et al (US-5,860,073 01/12/99) in view of Templeman (US-5,845,303 12/01/98) .

-In regard to independent claim 20, Ferrel teaches:

parsing in a first tag in a textual markup customizing document (columns 3 & 20, lines

28-37 & 15-62), the first tag defining a container area (Fig. 8: 452) and a first content source to

be flowed into the area (Fig. 8: 470), and the first tag further defining a second tag (Fig. 454)

expected to be found in customizing document (Fig. 8: 432), the second tag to receive overflow

of the first textual content source if that overflow would not fit within the first container (column

20, lines 31-35);

Ferrel et al do not teach placing in a record the unique first tag identifier with the a

unique second tag identifier (column 21, lines 8-26). Templeman teaches associating two tag

identified frames from which to pass overflowed data from one frame to the other (columns 9 &

10, lines 65-67 & 1-2). It would have been obvious to one of ordinary skill in the art at the time

of the invention for Ferrel et al to have stored a record of two content containers whose content

flow were connected, because Templeman teaches that this ensures that incoming data was

flowed in a coherent and logical manner into the predefined frames (column 9, lines 63-64).


-In regard to dependent claims 21 and 24, Ferrel teaches parsing in a second tag in the

customizing document (columns 3 & 20, lines 28-37 & 15-62), the second tag defining a

container area (Fig. 8: 454); and

Ferrel teaches determining that the overflow of the first textual markup content (Fig. 8:

470) defined in the first tag (Fig. 8: 452) should be placed in the container (Fig. 8: 454) defined

by the second tag (Fig. 8: 454).

Ferrel does not teach where this determination was made from the record based on the

associations of the unique identifiers (column 21, lines 8-26). It would have been obvious to one

of ordinary skill in the art at the time of the invention to predetermined the overflow decision of

Ferrel on the record containing the unique identifiers, because Ferrel teaches that the style sheet

layouts provide the important benefit of efficient delivery and personalization of published titles

(column 3, lines 5-6) and by allowing specific overflow to other designated areas the personalization of published titles would be increased.

-In regard to dependent claim 22, Ferrel teaches wherein the ability to place content between container areas defined by the tags via wrap properties (columns 34-35, lines 17-67 & 58-67)(Figs: 16 & 17). Ferrel also teaches placing content between (Fig. 8: 454 "Located Story 2) container areas (Fig. 8: 454 "Located Story 3" & Fig. 8: 456 "Located Story 3") defined in the first and second tags.

### *Allowable Subject Matter*

8.      Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

9.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| US: 5,900,002 | 05-1999 | Bottomly, Glenn |
| US: 4,723,209 | 02-1988 | Hernandez et al. |
| US: 5,956,738 | 09/21/99 | Shirakawa |

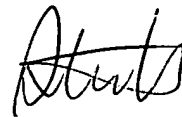US: 5,214,755          05/25/93          Mason

10.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam L Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steve Hong can be reached on (571) 272-4124.  The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished

applications is available through Private PAIR only.  For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

STEPHEN HONG
SUPERVISORY PATENT EXAMINER